parts of America because if there is a hospital in a sparsely populated part of America that fails under undue pressure because of reimbursement, there is no other hospital or health care facility for somebody in rural America. That is the essential failing in the assumption behind PPS.

Congress called these facilities ''sole community hospitals,'' and 42 of the 55 hospitals in my State enjoy that status—that is, the security of being named a sole community provider or medical assistance facility.

Section 101 of the bill we introduced last week would provide similar security for outpatient services, and it should be enacted right now.

Just last week, the health care research firm, HCIA, and the consulting firm, Ernst and Young, released a study showing that hospital profit margins could fall from their current levels of about 4 percent to below zero by the year 2002. We must act now to ensure that this does not happen.

I might say, however, time is running out. We are already in the midst of a 3-week stopgap measure to keep the Government running. If we don't sit down and iron out our differences soon, we risk going home not having acted on the BBA and not correcting this problem, which I think is irresponsible.

Despite the partisan atmosphere that has prevailed here over the last several months, Congress does have a record of success in dealing with important health care issues in a bipartisan way.

A few years ago, we passed the Health Insurance Portability Act to prevent people from losing health insurance when they change jobs.

In 1997, we worked together—Members of all stripes—in passing the Children's Health Insurance Plan, legislation to provide children of working families with health insurance. Just last week, children in my State started enrollment in that program.

With some common sense on both sides of the aisle and with fast action on the issue, Congress can come together to solve some of the problems caused by the so-called BBA of 1997. We ought to do so, and we ought to do it right now.

Mr. President, you might be interested in what some of the conditions of the BBA 1997 are in the State of the Presiding Officer. In Maine, the hospital in Bangor would lose 24 percent of payments it would otherwise receive. Booth Bay Harbor would find about a 38-percent reduction. That is somewhat typical of hospitals of that size and in that situation around the country.

So I hope that at the appropriate time we can work with dispatch and expeditiously solve this problem before we adjourn.

Mr. LEVIN. Madam President, I rise today in support of the Medicare Beneficiary Access to Care Act.

I have traveled around my State of Michigan and I have heard from all types of health care providers. I consistently hear one message: all health care providers, big and small, are reeling from the cuts mandated under the 1997 Balanced Budget Act (BBA).

When Congress passed the BBA, it was estimated that it would save $112 billion in Medicare expenditures. The Congressional Budget Office has reestimated those savings at $206 billion. It is clear that the BBA has gone further than we intended.

This bill addresses some of the problems the health care community is facing. The bill provides some measure of relief to providers by committing $20 billion dollars towards addressing some of the BBA problems.

Here are some of the bill's provisions:

Medicare currently pays hospital outpatient departments for their reasonable costs, subject to some limits and fee schedules. To create incentives for efficient care, the BBA included a prospective payment system (PPS) for hospital outpatient departments. HCFA expects to implement this system in July 2000. When implemented, it is expected to reduce hospital outpatient revenues by 5.7 percent on average. Michigan hospitals have told me that this payment system will reduce annual hospital payments for out patient services by $43 million for Michigan hospitals.

This bill would protect all hospitals from extraordinary losses during a transition period. Each hospital would compare its payments under the PPS to a proxy for what the hospital would have been paid under cost-based reimbursement. In the first year, no hospital could lose more than 5% under the new system. This percentage would increase to 10% in the second year and 15% in the third year.

Prior to the BBA, a hospital's inpatient payments increased by 7.7% if the hospital had one intern or resident for every 10 beds. This percentage was cut to 7.0% in 1998, and phased down to be set permanently at 5.5% by 2001. This bill freezes Indirect Medical Education (IME) payments at the current level of 6.5% for 8 years.

Due to concern that Medicare+Choice managed care plans were not passing along payments for Graduate Medical Education (GME) to teaching hospitals, the BBA carved out payments for GME and IME from Medicare + Choice rates and directed them to those hospitals. However, the carve out was phased in over several years. This bill contains a provision that would speed up the carve-out, ensuring that teaching hospitals get adequate compensation for the patients they serve.

Teaching hospitals are critically important to Michigan. There are 58 teaching hospitals in Michigan, which constitutes one of the nation's largest GME programs.

The BBA reduced disproportionate share hospital (DSH) payments by 1% in 1998, 2% in 1999, 3% in 2000, 4% in 2001, and 5% in 2002. This bill would freeze the cut in disproportionate share payments at 2% for 2000 through 2002.

The BBA created a prospective payment system (PPS) for skilled nursing facilities. There has been a concern that the PPS may not adequately account for the costs of high acuity patients. This bill includes a number of provisions to alleviate the problems facing skilled nursing facilities. Importantly, this bill repeals the arbitrary $1500 therapy cap that was mandated under the BBA.

The BBA mandated a 15% cut to home health payments. Last year Congress delayed this cut to October 2000. Our bill would further delay this 15% cut for two years. In addition, our bill creates an outlier policy to protect agencies who serve high cost beneficiaries.

The BBA phased out cost based Medicaid reimbursement for rural health clinics and federally qualified health centers but did not replace it with anything to assure that these clinics would be adequately funded. Our bill creates a new system for clinic payments.

In summary, these provisions are vitally important to the health care community of Michigan, both providers and beneficiaries. We cannot afford to allow our health care system, the best in the world, to decline.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. INHOFE. Madam President, I submit a report of the committee of conference on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2084) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 30, 1999.)

Mr. SHELBY. Madam President, I am pleased that today the Senate has the opportunity to consider the conference agreement for the Fiscal Year 2000 Transportation Appropriations bill, and expect that we will reinforce the Senate's strong support for this legislation, which was passed just 18 days ago by a vote of 95 to 0.

The Transportation Appropriations bill provides more than $50 billion for transportation infrastructure funding, and for safe travel and transportation in the air and on our nation's highways, railroads, coasts and rivers. I am pleased that we have reached an accommodation between the House and the Senate Conferees on the Transportation appropriations bill. The House didn't win on every issue, the Senate didn't win on every issue, the Administration didn't get everything that they wanted—there was a fair amount of give and take on the part of all interested parties and I am confident that the result is a balanced package that is responsive to the priorities of the Congress and of the administration.

The 302(b) allocation was tight and constrained our ability to do some things that I would have liked to do—but we have stayed within the allocation agreed to by the House and the Senate and we have a bill that the Administration will sign. I believe this bill represents a balanced approach and a model for how appropriations bills should be constructed. It stays within the allocation, it stays pretty close to the budget request with the exception of denying new user fee taxes and making some firewall shifts that the authorizing committee objected to, it adheres to the commitment made in TEA–21 on dedicated funding for Highways and Transit, it provides adequate—but constrained—levels for FAA, it maintains a credible Coast Guard capital base and operational tempo, and it continues to focus on making further strides in increasing the safety of all our transportation systems.

At the same time, Chairman WOLF, Ranking Member SABO, the senior Senator from New Jersey and I have gone to great lengths to craft a bill that accommodates the requests of members and funds their priorities. Scarcely a day passes where one member or another does not call, write, or collar me on the floor to advocate for a project, a program, or a particular transportation priority for their state. I received over 1,500 separate Senate requests in letter form over the last six months. This bill attempts to respond to as many of those requests as possible.

As many of you know, the current fiscal constraints were especially felt in the transit account, where demand for mass transit systems is growing in every state, but funding is fixed by the TEA–21 firewall. I won't belabor that point other than to say we did the best we could under very difficult circumstances.

It has been a constant challenge this year to ensure adequate funding for FAA operations, facilities, equipment and research, and for the Airport Improvement Program; for the Coast Guard operations and capital accounts; and for operating funds for the National Highway Transportation Safety Administration. This clearly illustrates the pitfalls of firewalls and the disadvantages of trying to manage annual outlays in multi-year authorization legislation. Our experience this year with this bill is one of many reasons the Congress should reject a proposal to establish more budgetary firewalls around trust fund accounts in the future.

I want to mention one other issue that has been the topic of many conversations over the past couple of weeks. That is, the Senate provision concerning the release of personal information by state departments of motor vehicles. My concern is that private information is too available. The proliferation of information over the Internet makes it easy and cheap for almost anyone to access very personal information.

I think members would be shocked by what virtually anyone—including wierdos or stalkers—can find out about you, your wife, or your children with only a rudimentary knowledge of how to search the Internet.

I believe that there should be a presumption that personal information will be kept confidential, unless there is compelling state need to disclose that information. Most states, however, readily make this information available, and because states sell this information, a lot of information about you effectively comes from public records.

Section 350 of the conference protects personal information from broad distribution by requiring express consent prior to the release of information in two situations. First, individuals must give their consent before a state is able to release photographs, social security numbers, and medical or disability information. Of course, this excludes law enforcement and others acting on behalf of the government. Second, individuals must give their consent before the state can sell or release other personal information when that information is disseminated for the purpose of direct marketing or solicitations. I want to be clear: this applies only when the state sells your name, address, and other such information to people who are using that information for marketing purposes.

We recognize that states may need time to comply with this provision. And we've proposed to delay the effective date 9 months. In addition, there was concern expressed about this provision being tied to transportation funds under this bill, and the conference agreement eliminates the sanction language and expressly states that no states' fund may be withheld because of non-compliance with this provision. In addition, the Congressional Budget Office has performed a cost estimate analysis of this provision, and found that the total implementation cost for States is well below $50 million nationally.

I believe that the general public would be as shocked as my colleagues in the Senate if they learned that states were running a business with the personal information from motor vehicle records.

There are a few people I would particularly like to thank before we vote. My Ranking Member, Senator LAUTENBERG, has been a valued partner in this process, and I'm sorry that we only have one more year to do this together. Senators STEVENS and BYRD have provided guidance throughout the year, and made a successful bill possible by ensuring an adequate allocation for transportation programs. My House counterpart, Congressman FRANK WOLF and his staff: John Blazey, Rich Efford, Stephanie Gupta and Linda Muir, have been professional, accommodating, and collegial. This last week has been a blueprint for how conference negotiations should be conducted. Senator LOTT and his staff have been gracious and extremely helpful in moving this legislation forward. And on the Appropriations Committee staff, I want to recognize Steve Cortese and Jay Kimmitt for their invaluable assistance and advice.

I look forward to passing this bill and sending it to the President. I ask unanimous consent that the letter from OMB relating to this conference report be printed in the CONGRESSIONAL RECORD at the end of my remarks and after the table regarding federal highway aid. From the OMB letter, it is my expectation that the President will sign the bill in its current form.

Madam President, I also ask unanimous consent to include the following table for the RECORD which shows the estimated fiscal year 2000 distribution of Federal highway fund obligational authority. This table illustrates the state-by-state distribution of non-discretionary highway funds under the conference agreement. It is important to note that none of the discretionary programs, including public lands highways, Indian reservation roads, park roads and parkways, or discretionary bridge are included in this distribution, as these funds are granted on an individual application basis. In addition, these figures do not include the carryover balances from prior years, the final computation of administrative takedown, or the final minimum guarantee adjustments. However, these figures are very close to the actual state distribution that will be made by the Federal Highway Administration based on the agreement outlined in the conference report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED FY 2000 DISTRIBUTION OF OBLIGATIONAL AUTHORITY (INCLUDING DISTRIBUTION OF RABA UNDER CONFERENCE PROPOSAL AND DISTRIBUTION OF $98.5 MILLION IN ADMINISTRATIVE TAKEDOWN FUNDS FOR OTHER PURPOSES)

States	Formula obligation limitation	Exempt minimum guarantee	Subtotal	RABA conference proposal	Total
Alabama	$471,711,405	$11,367,974	$483,079,379	$29,016,764	$512,096,143
Alaska	268,677,889	21,022,139	289,700,028	16,970,939	306,670,967
Arizona	375,629,521	14,116,557	389,746,078	23,285,789	413,031,867
Arkansas	380,148,116	8,870,348	317,018,464	19,016,257	336,034,721
California	2,135,937,494	41,571,122	2,177,508,616	131,247,260	2,308,755,876
Colorado	271,325,228	5,218,128	276,543,356	16,673,553	293,216,909
Connecticut	347,917,991	15,458,380	363,376,371	21,631,767	385,008,138
Delaware	102,256,467	2,516,824	104,773,291	6,301,112	111,074,403
Dist. of Col	92,495,095	99,255	92,594,350	5,634,683	98,229,033
Florida	1,065,315,963	49,989,815	1,115,305,778	66,321,154	1,181,626,932
Georgia	828,256,118	32,991,973	861,248,091	51,375,336	912,623,427
Hawaii	119,530,218	3,358,725	122,888,943	7,374,632	130,263,575
Idaho	178,383,500	6,424,871	184,808,371	11,043,615	195,851,986
Illinois	785,605,674	12,083,474	797,689,148	48,176,561	845,865,709
Indiana	579,109,909	21,891,566	601,001,475	35,894,907	636,896,382
Iowa	279,429,622	3,744,432	283,174,054	17,121,381	300,295,435
Kansas	273,194,168	2,007,662	275,201,830	16,691,012	291,892,842
Kentucky	401,970,692	10,003,210	411,973,902	24,735,491	436,709,393
Louisiana	391,418,740	11,102,273	402,521,013	24,151,481	426,672,494
Maine	123,317,168	2,925,145	126,242,313	7,592,996	133,835,309
Maryland	367,510,492	7,464,568	374,975,060	22,588,127	397,563,187
Massachusetts	436,472,391	7,583,988	444,056,379	26,790,453	470,846,832
Michigan	744,199,500	23,383,006	767,582,506	45,987,032	813,569,538
Minnesota	347,863,427	6,266,043	354,129,470	21,358,519	375,487,413
Mississippi	282,518,602	5,567,485	288,086,087	17,358,519	305,444,606
Missouri	569,625,340	12,728,657	582,353,997	35,047,859	617,401,856
Montana	227,145,762	10,546,766	237,692,528	14,140,666	251,833,194
Nebraska	180,760,739	1,864,558	182,625,297	11,062,788	193,688,085
Nevada	166,699,784	5,948,338	172,648,122	10,323,779	182,971,901
New Hampshire	120,134,397	3,111,027	123,245,424	7,402,980	130,648,404
New Jersey	598,730,322	11,286,798	610,017,120	36,776,405	646,793,525
New Mexico	227,824,334	7,169,730	234,994,064	14,079,572	249,073,636
New York	1,194,894,120	28,056,993	1,222,951,113	73,547,672	1,296,498,785
North Carolina	651,657,222	22,361,073	674,018,295	40,308,266	714,326,561
North Dakota	151,554,823	3,564,655	155,119,478	9,333,524	164,453,002
Ohio	859,342,925	22,507,807	881,850,732	52,959,163	934,809,895
Oklahoma	359,066,919	7,361,168	366,428,087	22,076,510	388,504,597
Oregon	289,181,685	3,630,769	292,812,454	17,707,362	310,519,816
Pennsylvania	1,174,935,166	20,690,226	1,195,625,392	72,033,420	1,267,658,812
Rhode Island	37,789,794	4,921,466	142,711,260	8,533,831	151,245,091
South Carolina	368,700,588	13,940,670	382,641,258	22,853,717	405,494,975
South Dakota	169,007,946	4,237,330	173,245,276	10,411,545	183,656,821
Tennessee	533,893,724	12,450,474	546,344,198	32,831,373	579,175,871
Texas	1,736,180,606	64,627,615	1,800,808,221	107,594,447	1,908,402,668
Utah	181,553,286	3,552,164	185,105,450	11,156,019	196,261,469
Vermont	105,918,243	2,146,701	108,064,944	6,512,509	114,577,453
Virginia	592,611,780	16,373,740	608,985,520	36,550,515	645,536,035
Washington	423,671,200	6,405,044	430,076,244	25,978,168	456,054,412
West Virginia	264,443,795	2,590,550	267,034,345	16,126,281	283,160,262
Wisconsin	458,224,706	16,164,680	474,389,386	28,368,743	502,758,129
Wyoming	161,572,167	3,732,038	165,304,205	9,947,966	175,252,171
Total	23,483,316,763	639,000,000	24,122,316,763	1,448,003,841	25,570,320,604

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 29, 1999.

Hon. RICHARD C. SHELBY,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on the Transportation and Related Agencies Appropriations Bill, FY 2000, as passed by the House and by the Senate. As the conferees develop a final version of the bill, we ask you to consider the Administration's views.

The Administration appreciates the House and Senate's efforts to accommodate many of the Administration's priorities within their 302(b) allocations and the difficult choices made necessary by those allocations. However, the allocations of discretionary resources available under the Congressional Budget Resolution are simply inadequate to make the necessary investments that our citizens need and expect.

The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly $29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider other, similar proposals as the FY 2000 appropriations process moves forward. With respect to this bill in particular, the Administration urges the Congress to consider the President's proposals for user fees.

Both the House and Senate versions of the bill raise serious funding concerns. First, both versions of the bill underfund the Federal Aviation Administration's (FAA's) operations and modernization programs, reduce highway and motor carrier safety, and underfund other important programs. The conferees could partially accommodate the funding increases recommended below for these programs by adhering more closely to the President's requests for the Airport Improvement Program, High Speed Rail, Coast Guard Alteration of Bridges, Coast Guard capital improvements, and other programs.

In addition, both the House and Senate have reduced requested funding for important safety, mobility, and environmental requirements. The Administration proposes to meet these requirements through the reallocation of a portion of the increased spending resulting from higher-than-anticipated highway excise tax revenues. Under this proposal, every State would still receive at least as much funding as was assumed when the Transportation Equity Act for the 21st Century was enacted. The conferees are encouraged to consider the Administration's proposal as a means to fund these important priorities.

The Administration's specific concerns with both the House and Senate versions of the bill are discussed below.

AVIATION SAFETY AND MODERNIZATION

The funding provided by the House and the Senate is not sufficient to meet the rising demand for air traffic services.

The Administration strongly urges the conferees to fully fund the President's request for FAA Operations. The request consists of $5,958 million to maintain current operations and $81 million to meet increased air traffic and safety demands. Neither bill provides sufficient resources to maintain current service levels, let alone meet increased demands.

The Administration urges the conferees to provide at least the House level for the FAA's Facilities and Equipment account. The Senate reduction, including the rescission, would seriously compromise the FAA's ability to modernize the air traffic control system. At the Senate level, safety and security projects would be delayed or canceled, and critically-needed capacity enhancing projects would be postponed, increasing future air travel delays. In addition, the conferees are urged to provide the requested $17 million in critically-needed funds for implementation of a Global Positioning System (GPS) modernization plan to help enable transition to a more efficient, GPS-based air navigation system. This is a top priority, and the conferees are asked to fund this in addition to the FAA's other capital needs.

The Administration supports the decision, in both Houses, to eliminate the General Fund subsidy for FAA Operations and urges the conferees to enact the Administration's proposal to finance the agency. Such a system would improve the FAA's efficiency and effectiveness by creating new incentives for it to operate in a business-like manner.

CAFE STANDARDS

The Administration strongly opposes, and urges the conferees to drop, the House bill's prohibition of work on the corporate average fuel economy (CAFE) standards. These standards have resulted in a doubling of the fuel economy of the car fleet, saving the Nation billions of gallons of oil and the consumer billions of dollars. Because prohibitions such as this have been enacted in recent years, the Department of Transportation has been unable to analyze this important issue fully. These prohibitions have limited the availability of important information that directly influences the Nation's environment.

LIVABILITY PROGRAMS

The Administration is very disappointed that both versions of the bill fund transit formula grants at $212 million below the President's request and the Transportation and Community and Preservation Pilot Program at approximately $24 million below the request. Further, the Administration is disappointed that the House bill does not direct additional funding to the Congestion Mitigation and Air Quality Improvement program. These programs are important components of the Administration's efforts to provide communities with the tools and resources needed to combat congestion, air pollution and sprawl. The Administration also objects to the addition of unrequested and unreviewed projects within the Transportation and Community and Privatization Pilot Program formula grants. The conferees are strongly urged to fully fund the President's request for these programs.

HIGHWAY SAFETY

The Administration urges the conferees to provide funding consistent with the recently enacted reauthorization for the National Highway Traffic Safety Administration's operations and research activities. This would provide an increase of $20 million above the House and Senate funding levels. This funding would allow expanded Buckle Up America and Partners in Progress efforts to meet alcohol and belt usage goals. It would also provide enhanced crash data collection, increased defects investigations, and crucial research activities on advanced air bags, crashworthiness, and enhanced testing to make better car safety information more readily available to the public.

MOTOR CARRIER SAFETY

The Administration appreciates the Senate bill's funding of $155 million, the amended request, for the National Motor Carrier Safety Grant Program. This will allow the Office of Motor Carrier and Highway Safety to undertake improvements in the area of motor carrier enforcement, research, and data collection activities that are designed to increase safety on our Nation's roads and highways. The Administration strongly urges the conferees to continue to provide this funding as well as the additional $5.8 million requested for motor carrier operations.

JOB ACCESS AND REVERSE COMMUTE

The Administration is disappointed that both the House and Senate would provide only $75 million—half of the amount authorized and requested—for the Job Access and Reverse Commute program. This program is a critical component of the Administration's welfare-to-work effort and local demands far exceed available resources. Demand is expected to increase further as more communities around the country work together to address the transportation challenges faced by families moving from welfare to work and by other low income workers. The Administration urges the conferees to provide full funding at $150 million.

OFFICE OF THE SECRETARY

The Administration urges the conferees to provide the President's request of $63 million for the Office of the Secretary in a consolidated account and delete the limitation on political appointees in both bills. This is necessary to provide the Secretary with the resources and flexibility to manage the Department effectively. In addition, we request restoration of the seven-percent reduction to the Office of Civil Rights contained in the Senate version of the bill. This reduction would hamper the Department's ability to enforce laws prohibiting discrimination in Federally operated and assisted transportation programs.

LANGUAGE PROVISIONS

The conferees are requested to delete provisions in both bills that would restrict the Coast Guard's and Federal Aviation Administration's user fee authority. User fees can help the Coast Guard and Federal Aviation Administration by providing resources to meet their operating and capital needs without significantly reducing other vital transportation programs.

The conferees are requested to delete provisions in both versions of the bill that would impose DOT-wide reductions in obligations to the Transportation Administrative Service Center. These reductions, which are particularly severe in the Senate, would impose significant constraints on critical administrative programs.

The conferees are requested to delete Section 316 of the Senate bill, which would extend the traditional anti-lobbying provision in DOT appropriations acts to State legislatures. This broad, ambiguous provision would chill the informational activities of the Department and limit the ability of the Department to carry out its safety mandate. The existing requirements of Section 7104 of TEA–21 adequately address this issue.

There are several provisions in both bills that purport to require congressional approval before Executive Branch execution of aspects of the bill. The Administration will interpret such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in INS versus Chadha.

REPORT LANGUAGE ISSUE

The Administration is concerned with the House report language that would not fund the controller-in-charge differential, which was part of the carefully crafted air traffic controller agreement research last year.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

JACOB J. LEW, *Director*.

Mr. LAUTENBERG. Madam President, I rise in support of the conference report accompanying H.R. 2084, the Transportation appropriations bill for fiscal year 2000.

I am pleased that during this, the first day of the first full week of the new fiscal year, we are sending a freestanding Transportation bill to the President for his signature. Earlier this year I would not have predicted that we would succeed in getting a freestanding Transportation bill. Credit for his successful accomplishment belongs primarily to our subcommittee chairman, Senator SHELBY. This bill has had a number of difficulties along the way—difficulties that sometimes divided Senator SHELBY and myself. But I think it is fair to say that throughout the year, both Senator SHELBY and I showed a willingness to listen, as well as a willingness to compromise. As such, many of the problems that burdened this bill earlier this year have been worked out over time.

Senator SHELBY consulted the Minority throughout this year's process. We may not have agreed on every figure and every policy contained in this bill, but there were never any surprises. His door was always open to me and to the other minority members of the subcommittee. I especially want to thank Senator SHELBY for his attention to the unique transportation needs of my home state of New Jersey, the most congested state in the nation. Our congestion problem makes New Jersey the most transit-dependent state in the nation and Senator SHELBY recognized this fact by working with me to provide substantial investments in projects like the Hudson-Bergen waterfront, the Newark-Elizabeth rail link, Amtrak's Northeast Corridor, the West Trenton line, and a feasibility study of a new transit tunnel under the Hudson River.

The Transportation Subcommittee faced a very tight allocation. These funding difficulties were made more challenging by the spending increases mandated for the Federal Highway Administration and the Federal Transit Administration under TEA–21. These mandated increases put extraordinary pressure on the non-protected programs in the Coast Guard, the Federal Aviation Administration, and the National Highway Traffic Safety Administration.

The funding level provided for Amtrak represents the largest single cut in this bill below the fiscal year 1999 level. Amtrak is funded at a level fully 6 percent below last year's level. It is to Amtrak's credit, however, that Amtrak's financial turn-around has generated the kind of revenue that will allow the corporation to absorb this cut without any notable service reductions.

Funding for the operations budget within the Federal Aviation Administration is another area of concern. While this bill funds FAA Operations at a level fully 6 percent above last year's level, the amount provided remains 2.3 percent below the level requested by the Administration. Also, funding for highway safety within the operations and research account in the National Highway Traffic Safety Administration is 19 percent below the President's request. In this instance, the Administration's budget request depended upon the enactment of a new authorization bill raising the authorization ceilings for NHTSA. Unfortunately, by the time that authorization bill was enacted, our subcommittee ceiling had already been established and we did not have the funding to accommodate these funding increases for NHTSA. Mr. President, if I could identify one serious flaw with the Transportation Equity Act for the 21st Century (TEA–21), it would be the fact that several trust funded programs for highway construction are granted guaranteed increases over the next several years, while the safety programs from the trust fund are not granted similarly privileged budgetary treatment. We need to do better for these critical safety programs, both in the FAA and in NHTSA. I have not given up on the chance to do better for these programs. I intend to work with the Administration to see if additional funds can be included in an omnibus appropriations bill or, perhaps, in a Supplemental Appropriations bill.

In the area of truck safety, I am disappointed that this bill does not include the $50 million that I added during full committee markup for grants within the Office of Motor Carrier Safety. The tight funding allocation burdening the subcommittee just made it impossible to accommodate this item in Conference. However, I have to say that while money is important to our efforts to maintain truck and bus safety, guts and determination on the part of the Administration is of even greater importance. The Office of Motor Carrier Safety needs to be willing to shut down the most egregious safety violators to protect bus passengers and the motoring public.

There have been several hearings regarding the deficiencies of the Office of Motor Carriers this year. Within the Transportation Appropriations Subcommittee, we spent considerable time discussing the recent series of fatal bus crashes within New Jersey. The Commerce Committee also held hearings on the overall deficiencies with the OMC. Those hearings painted a very dismal picture of a largely impotent agency that is more interested in outreach than in ensuring safe truck and bus operations. More recently, we have seen indications of a new, more serious attitude at the Office of Motor Carrier Safety. This appropriations bill mandates that that office can no longer be operated within the Federal Highway Administration. Perhaps this will make a difference. In my view, the jury is still out on whether we have turned the corner on improving truck and bus safety. Over the course of the next year, we will need to review carefully whether the changes recently announced by the Office of Motor Carriers represent a true change in attitude or just a change in rhetoric.

In summary, Mr. President, I encourage all Members to vote in favor of this conference report. The conference agreement is a balanced and bipartisan effort to meet the needs of our nation's transportation enterprise within a difficult funding envelope. I believe it deserves the support of all Members.

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 p.m. having arrived, the Senate will now proceed to vote on the adoption of the conference report accompanying H.R. 2084.

The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from South Dakota (Mr. DASCHLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Rhode Island (Mr. REED), are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED), would vote ''aye.''

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—88

Abraham	Crapo	Johnson
Akaka	DeWine	Kerrey
Allard	Dodd	Kerry
Ashcroft	Domenici	Kohl
Baucus	Dorgan	Kyl
Bayh	Durbin	Landrieu
Bennett	Edwards	Lautenberg
Biden	Feingold	Leahy
Bingaman	Feinstein	Levin
Bond	Fitzgerald	Lieberman
Boxer	Frist	Lincoln
Breaux	Gorton	Lott
Brownback	Graham	Lugar
Bryan	Gramm	McConnell
Bunning	Grams	Mikulski
Burns	Grassley	Moynihan
Byrd	Gregg	Murkowski
Campbell	Harkin	Murray
Chafee	Helms	Nickles
Cleland	Hutchinson	Reid
Cochran	Hutchison	Robb
Collins	Inhofe	Roberts
Coverdell	Inouye	Rockefeller
Craig	Jeffords	Roth
Santorum	Snowe	Voinovich
Sarbanes	Specter	Warner
Schumer	Stevens	Wellstone
Sessions	Thompson	Wyden
Shelby	Thurmond	
Smith (NH)	Torricelli	

NAYS—3

Conrad	Enzi	Hagel

NOT VOTING—9

Daschle	Kennedy	Reed
Hatch	Mack	Smith (OR)
Hollings	McCain	Thomas

The conference report was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I commend Senators SHELBY and LAUTENBERG for this bill. It is really a monstrous bill, and they have come back with a very good compromise, a bill with which we can all live.

The staff on this bill deserves a great deal of credit, too. To my right is Wally Burnett, staff director of the Transportation Subcommittee for the Senate. He handles the highway and aviation accounts. Wally tops at 205 pounds now, but we call him Little Wally in Fairbanks. I thank him and Joyce Rose, who handles the railroad and transit accounts. She spent a lot of time away from her young kids. Paul Doerrer handled the Coast Guard and NTSB accounts. He did a great job on his first bill. I also thank Peter Rogoff and Carole Geagley of the minority. They have worked very hard on this bill. As I said, it is an extremely good bill.

I want to mention two items related to this bill. We do have a very difficult problem in Alaska on aviation safety. We are, after all, the largest State of the Union, one-fifth of the size of the United States. We use aircraft as other people use taxis or buses or trains. Over 80 percent of our inter-city traffic is by air. Seventy percent of our cities can be reached only by air. As a consequence, safety is one of our major concerns.

This summer, Director Hall of the National Transportation Safety Board came to Alaska. He met there with representatives of the Centers for Disease Control and their National Institute for Occupational Safety and Health, NIOSH. There are resources provided in this bill to implement the National Transportation Safety Board's recommendations and NIOSH's interagency initiative for aviation safety in my home State of Alaska. Senator SPECTER's bill, the Labor-HHS bill, provides the resources for NIOSH. They will have to be in the bill in order to put this plan into action.

The NIOSH initiative for the air taxi industry in Alaska is modeled after the highly successful 1993 helicopter logging study which produced recommendations for changes that implemented safety plans without Federal regulation. NIOSH recommended crew rest and crew duty schedules along with changes in helicopter logging equipment, and that has all but eliminated helicopter logging fatalities since those recommendations were implemented.

It is my hope that the NIOSH study on aviation can produce the same results—industry-led improvements to commuter aviation safety operations in Alaska—again, without the need for new Government-imposed mandates. The industry itself I believe will implement the NIOSH recommendations.

As the Senate knows, my family has known fatalities from airplane crashes. And I have many friends who have been involved in such crashes. As one who was lucky enough to walk away, it is my hope that these studies will lead to greater safety considerations for all who fly in Alaska. I am grateful to the chairman and the ranking member, Chairman SHELBY and Senator LAUTENBERG, for including in this bill these great, new safety initiatives.

I am happy to report on another matter. This bill ensures completion of the pedestrian footbridge that will span the Chena River in Fairbanks. Fairbanks is Alaska's second largest city.

The Alaska River Walk Centennial Bridge is the brainchild of Dr. William Ransom Wood. He is really the sage of Alaska. He is the executive director of Festival Fairbanks. This bridge is a small piece of an overall plan that Dr. Wood and the rest of the festival have developed to beautify Fairbanks and make it pedestrian friendly.

At 95, Dr. Wood has been one of Alaska's major players. He served as the president of the University of Alaska, mayor of Fairbanks, and on so many community councils and State task forces that I cannot here name them all. In honor of Dr. Wood's contribution to Fairbanks, the State of Alaska, and our Nation as a naval commander in World War II, Senator MURKOWSKI and I join together in introducing a Senate resolution which will urge Secretary Slater to designate this footbridge the William R. Wood Centennial Bridge.

Mr. LAUTENBERG. Mr. President, I appreciate the opportunity to respond to some of the things the distinguished chairman of the Appropriations Committee just said, particularly his acknowledgment of the hard work done by the staff on both sides, the majority staff and the minority staff, and to say that I watch Senator STEVENS in action; I see how difficult it is to get some of these allocations in the shape we would like.

We are pleased that the Transportation bill was, if I may use the word, hammered out because there are still a lot of needs with which we have to be concerned. One is the FAA, of course, and our safety programs. I was pleased to hear the Senator mention that.

The other is the U.S. Coast Guard, in which Senator STEVENS has such an active interest. I share that interest. The State of New Jersey has a great deal of dependence—as well as the entire country—on the activities of the Coast Guard. And the fact is that their funding is presently on the short side. But decisions are made when resources are too spare, and, inevitably, some hard decisions have to be made.

I commend the chairman of the Appropriations Committee for being able to ensure that the Transportation bill was moved along. I know how hard he is working with some of the other bills that are still pending.

Mr. President, I yield the floor.

EXPRESSING THE SENSE OF THE SENATE CONCERNING DR. WILLIAM RANSOM WOOD

Mr. STEVENS. Mr. President, I send this resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 195) expressing the sense of the Senate concerning Dr. William Ransom Wood.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I express my gratitude to the secretary for the minority for clearing this resolution so quickly, and I ask for its consideration.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution and its preamble are agreed to.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 195

Whereas Dr. William Ransom Wood's tireless dedication and wisdom have earned him honorable distinction for his work in the city of Fairbanks, the State of Alaska, and the Nation;

Whereas Dr. Wood served his country with distinction in battle during World War II as a captain in the United States Navy;

Whereas Dr. Wood served the people of Alaska as president of the University of Alaska, chairman of the American Cancer Society, vice president of the Alaska Boy Scout Council, Member of the Alaska Business Advisory Council, Chairman of the Alaska Heart Association, and numerous other organizations;

Whereas Dr. Wood served the people of Fairbanks as mayor, chairman of the Fairbanks Community Hospital Foundation, President of Fairbanks Rotary Club, and in many other capacities;

Whereas the city of Fairbanks, the State of Alaska, and the Nation continue to benefit from Dr. Wood's outstanding leadership and vision;

Whereas Dr. Wood is the executive director of Festival Fairbanks which desires to commemorate the centennial of Fairbanks, Alaska with a pedestrian bridge which shall serve as a reminder to remember and respect the builders of the Twentieth Century; and

Whereas it shall also be in Dr. Wood's words, "a memorial to the brave indigenous people. Who came before and persisted through hardships, generation after generation. The Centennial Bridge is a tribute to their stamina and ability to cope with changing times.": Now, therefore, be it

Resolved, That the United States Senate urges the Secretary of Transportation Rodney Slater to designate the Fairbanks, Alaska Riverwalk Centennial Bridge community connector project as the Dr. William Ransom Wood Centennial Bridge.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, pursuant to the consent agreement of Friday, October 1, I now ask unanimous consent that the Senate proceed to executive session for the consideration of judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations will be stated.

The legislative clerk read as follows:

THE JUDICIARY

Ronnie L. White, to be United States District Judge for the Eastern District of Missouri; Brian Theadore Stewart, to be United States District Judge for the District of Utah; and Raymond C. Fisher, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we have a number of judges to discuss tonight:

There is Brian Theadore Stewart—I see the distinguished Senator from Utah on the floor, who I am sure will be speaking of him.

There is Justice Ronnie L. White—I see the distinguished Senator from Missouri, who will be speaking about him and has specific reserved time for that.

And there is the nomination of Raymond C. Fisher.

Utilizing some of the time reserved to me and the distinguished chairman of the Senate Judiciary Committee, I will make sure that whatever amount of time the distinguished Senator from Utah wishes will be available to him.